

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OUMOU BAH, AS ADMINISTRATOR OF
THE ESTATE OF MOHAMMED BAH,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

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DECLARATION

1:13-cv-06690-PKC-KNF

Barry Myrvold, an attorney duly admitted to practice law in the State of New York, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the office of Jeffrey D. Friedlander, Acting Corporation Counsel of the City of New York, attorney for defendants The City of New York, Joseph McCormack, Michale Licitra, Robert Gallitelli, Brian Stanton, Esmeralda Santana and Vincent Johnson this action. I am familiar with the facts and circumstances of this action and submit this Declaration to set forth the relevant procedural history of this case and to place on the record the documents in support of defendants' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. On or about December 9, 2013, plaintiff filed her Amended Complaint against the City, Edwin Mateo, Andrew Kress, Michael Green, Joseph McCormack, Michael Licitra, Robert Gallitelli, Brian Stanton, Esmeralda Santana and Vincent Johnson and "John Does 1-10" alleging violations of plaintiff's decedent's civil rights. A copy of the Amended Complaint is annexed hereto as Exhibit "A."

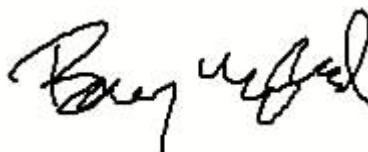
3. In the Amended Complaint, plaintiff Oumou Bah brings this action as administrator of the estate of her brother, Mohamed Bah, who was fatally injured in a September 25, 2012, incident involving several New York City police officers.

4. A copy of the NYPD Sprint Report, which, at 1854, reflects a radio transmission stating "EDP is alone in apt. 5D – has knife," is attached hereto as Exhibit "B."

5. A copy of the Notice of Claim, dated December 21, 2012, which does not identify any individual defendants is attached hereto as Exhibit "C."

6. A copy of the order of Paul G. Gardephe in De Michele v. Tierney, No. 09 Civ. 9334 (PGG), Dkt No. 146, Slip Op. (S.D.N.Y. Dec. 14, 2012) is attached hereto as Exhibit "D."

Dated: New York, New York
January 24, 2014

A handwritten signature in black ink, appearing to read "Barry Myrvold", written over a horizontal line.

Barry Myrvold